

# HOUSE BILL No. 1435

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-9-11; IC 9-13-2-143.

**Synopsis:** Contract carriers transporting railroad employees. Adds new license and safety standards for contract carriers that transport railroad employees. Makes conforming changes.

**Effective:** July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1435

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-9-11-3, AS ADDED BY P.L.109-2000,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2001]: Sec. 3. A contract carrier shall do the following:

4       (1) Limit the hours of service by a driver who transports a railroad  
5       employee to:

6           (A) twelve (12) hours of vehicle operation per day;

7           (B) fifteen (15) hours of on duty service per day; and

8           (C) seventy (70) hours of on duty service in seven (7)  
9       consecutive days.

10      (2) Require a driver who has:

11          (A) twelve (12) hours of vehicle operation per day; or

12          (B) fifteen (15) hours of on duty service per day;

13      to have at least eight (8) consecutive hours off duty before  
14      operating a vehicle again.

15      **(3) Require each driver who transports railroad employees to**  
16      **have a valid public passenger chauffeur's license under**  
17      **IC 9-24-5-1.**



(4) Provide drug screening under the provisions of the federal motor carrier safety regulations (49 CFR 40 et seq.) for each driver who transports railroad employees.

(5) Conduct a background investigation of each person who transports railroad employees.

(6) Require an application for employment from each prospective driver.

(7) Provide to the railroad an annual review of the driving record of each driver who transports a railroad employee.

(8) Maintain a personnel file that includes a driving record for each driver who transports a railroad employee.

(9) Maintain public liability insurance with coverage of not less than five million dollars (\$5,000,000).

SECTION 2. IC 8-9-11-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A vehicle used by a contract carrier must be maintained in the safe and proper operating condition recommended for that vehicle.

(b) A contract carrier shall maintain a record of maintenance and repair for each vehicle used to transport railroad employees.

(c) A contract carrier who transports a railroad employee must implement an inspection, maintenance, and repair system to care for all motor vehicles operated. The system must provide for a complete inspection of a vehicle used to transport railroad employees at least one (1) time every ninety (90) days.

(d) The driver of a vehicle used to transport railroad employees must inspect the vehicle at the beginning and end of each day the vehicle transports railroad employees. Each inspection must include the completion of an inspection checklist. The inspection checklist must be retained by the contract carrier in the maintenance record required under subsection (b) for six (6) months after the date of the inspection.

(e) A contract carrier must repair any defect that would impair the safe operation of a vehicle before the vehicle is used to transport railroad employees.

SECTION 3. IC 8-9-11-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. A driver transporting railroad employees for a contract carrier must:

(1) have a valid public passenger chauffeur's license under IC 9-24-5-1; and

(2) complete a daily record that complies with the

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1 requirements of the federal motor carrier safety regulations  
 2 (49 CFR 395.8) and includes the duty status reporting the  
 3 total duty time of the driver.

4 SECTION 4. IC 8-9-11-6 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2001]: **Sec. 6. The department of state revenue motor carrier  
 7 services division shall adopt rules under IC 4-22-2 to implement  
 8 and administer this chapter.**

9 SECTION 5. IC 8-9-11-7 IS ADDED TO THE INDIANA CODE  
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 11 1, 2001]: **Sec. 7. A person who violates this chapter commits a Class  
 12 C infraction.**

13 SECTION 6. IC 9-13-2-143 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 143. "Public passenger  
 15 chauffeur" means any of the following:

16 (1) A person who operates a motor vehicle while in use as a  
 17 school bus for the transportation of pupils to or from school, or to  
 18 or from school athletic games or contests.

19 (2) A person who operates a motor vehicle other than a medical  
 20 services vehicle while in use as a public passenger carrying  
 21 vehicle.

22 (3) **A person who operates a motor vehicle while in use by a  
 23 contract carrier that transports railroad employees under the  
 24 terms of a contractual agreement with the railroad, as set  
 25 forth in IC 8-9-11.**

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